

REMARKS

Specification:

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter, particularly the phrases “circumferential top surface” and “upwardly facing opening” in claim 1. It is submitted that the above amendment to claim 1 overcomes this objection.

Disposition of Claims:

Claims 1, 3-5 and 12-14 are all the claims pending in the application. Of these claims, claims 1 and 3-5 are rejected. Claim 1 is objected to.

Claim Objections:

Claim 1 is objected to because of the following informalities: claim 1, line 5 states “said circumferential surface”. The Examiner proposed “said circumferential top surface”. It is submitted that the above amendment to claim 1 overcomes this objection as well.

Claim Rejections Under 35 U.S.C. § 102 and 103:

Claims 1 and 3-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Caporaso (U.S. Patent No. 4,435,434). Claims 1 and 3-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Caporaso in view of Peleg (U.S. Patent No. 4,841,112) and Voyatzakis, et al. (U.S. Patent Publication No. 2004/0009256). For the following reasons, Applicant respectfully traverses these rejections.

Arguments:

As amended, claim 1 recites as follows:

An edible product, comprising a body including an edible material which is bread, said body having a crusty surface that has been obtained by heating, said surface comprising a top surface, a bottom surface and a peripheral surface, said top surface having an undulating shape delimited by the shape of a bar grating, wherein the body is prepared from dough and provided with a central cavity having an opening and with a filling introduced therein after the central cavity has been produced.

None of the prior art references teaches or suggests that which is recited in claim 1 including the requirement that the ‘top surface have an undulating shape delimited by the shape of a bar grating.’” This is aspect of the invention is illustrated in, for example, Figs. 2 and 3a-3b of the application. Since the prior art fails to teach or suggest at least this aspect of the invention, it is submitted that claim 1 and its dependent claims patentably distinguish over the prior art.

In this regard, it is the understanding of the undersigned that a claim similar in scope to claim 1 was allowed by the EPO.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/567,088

Attorney Docket No.: Q93076

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: June 1, 2010